

March 29, 2018

VIA ECF

Hon. P. Kevin Castel
United States District Judge
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, NY 10007

Re: *In re: SunEdison Inc., Securities Litigation*, 16-md-02742-PKC
Case Nos. 16-cv-09566-PKC (“*Kearny*”), 1:16-cv-09171-PKC (“*Canyon I*”), and 16-cv-09172-PKC (“*Canyon II*”)

Dear Judge Castel:

We represent the Plaintiffs in *Kearny Investors S.à r.l., et al. v. Goldman Sachs & Co., et al.*, 16-cv-09566-PKC (“*Kearny*”), *Canyon Capital Advisors LLC et al. v. Terraform Global, Inc., et al.*, Case No. 1:16-cv-09171-PKC (“*Canyon I*”), and *Canyon Capital Advisors LLC et al. v. Alvarez, et al.*, 1:16-cv-09172-PKC (“*Canyon II*”), which are three of the individual securities actions currently pending before Your Honor in the SunEdison (“SUNE”) MDL proceeding. We write regarding the letters recently submitted to the Court regarding coordination of discovery by the Class Plaintiffs in Case No. 1:16-cv-7917-PKC (“*Horowitz*”) (ECF Nos. 318 and 321); the Individual Defendants and Underwriter Defendants (ECF Nos. 319 and 322); and the Plaintiffs in Case Nos. 1:16-cv-08006-PKC (“*Cobalt*”), 1:16-cv-08032-PKC (“*Glenview*”), 1:16-cv-07428-PKC (“*Omega*”), and 1:16-cv-08204-PKC (“*VMT II*”) (ECF No. 320).

We agree with the Individual Defendants and Underwriter Defendants (ECF Nos. 319 and 322) that coordination on discovery between the Class Plaintiffs and the Plaintiffs in the individual (*i.e.*, Opt-Out) actions would be efficient, and that counsel for the Class Plaintiffs is the most appropriate firm to direct and coordinate written discovery between the Class Plaintiffs and the Opt-Out Plaintiffs. In particular, we would be willing to coordinate with counsel for the Class Plaintiffs so that the Class Plaintiffs and the Opt-Out Plaintiffs will issue a single, coordinated set of written discovery requests to Defendants and third-parties, and we would also be willing to allow the Class Plaintiffs to lead related meet and confers with Defendants regarding such discovery, with participation by the Opt-Out Plaintiffs. This will ensure that Defendants and third-parties are not subjected to multiple rounds of document demands or other written discovery, and that any discovery disputes are resolved in an efficient manner.

We also agree with the proposal of the Plaintiffs in the *Cobalt*, *Glenview*, *Omega*, and *VMT II* actions (ECF No. 320) that, in light of this Court’s March 6, 2018 Memorandum and Order (ECF No. 308) denying, in part, Defendants’ motions to dismiss, the PSLRA discovery

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stay should be lifted as to all actions.¹ Lifting the stay will ensure that coordinated discovery can operate as efficiently as possible.

We believe that the foregoing arrangement will promote the efficient progress of the actions, and respectfully request that it be approved and ordered by the Court. We are of course available at your convenience to discuss or elaborate on any of the requests made herein.

Respectfully submitted,

s/ Andrew J. Rossman

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Attorneys for Canyon I and Canyon II Plaintiffs

¹ Counsel for the Plaintiffs in the *Cobalt*, *Glenview*, *Omega*, and *VMT II* actions—Robbins Geller Rudman & Dowd LLP—also proposed (ECF No. 320) that their firm be appointed as liaison counsel for purposes of directing and coordinating discovery of Securities Act claims. The *Kearny*, *Canyon I*, and *Canyon II* Plaintiffs do not believe that having two separate firms directing discovery is efficient. However, to the extent the Court desires separate counsel coordinating discovery for the Exchange Act and Securities Act claims, the *Kearny*, *Canyon I*, and *Canyon II* Plaintiffs propose that their counsel, Quinn Emanuel Urquhart & Sullivan, LLP, should serve as liaison counsel for the Securities Act claims since the *Kearny*, *Canyon I*, and *Canyon II* Plaintiffs have the largest individual financial stake in the Securities Act claims.

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*for Claims Against All Defendants Except
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